

10/797,163

-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of
Jon Opsal et al.

Application No.: 10/797,163

Filed: March 10, 2004

For: SYSTEMS AND METHODS FOR
EVALUATING SEMICONDUCTOR
LAYERS

Confirmation No.: 5366

Group Art Unit: 2877

Examiner: R.M. Punnoose

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

353 Sacramento Street, Suite 2200
San Francisco, CA 94111
(415) 772-4900

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Sept. 1, 2004.

STALLMAN & POLLOCK LLP

Dated: 09/02/2004 By: 
Georgia K. Stith

M/S RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d) is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is

09/08/2004 MHEKONEH 00000023 501703 10797163

01 FC:1806 180.00 DA

Atty Docket No.: TWI-6660

Adjustment date: 12/29/2004
SDIRETAL 10797163
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01 FC:1806 180.00 CR

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10/797,163

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jon Opsal et al.

Application No.: 10/797,163

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For: SYSTEMS AND METHODS FOR
EVALUATING SEMICONDUCTOR
LAYERSCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Confirmation No.: 5366 25 NOV 22 PM 2:25

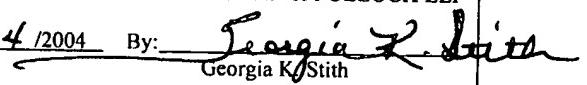
Group Art Unit: 2877

Examiner: Roy M. Punnoose

**REQUEST FOR REFUND OF IMPROPER
DEPOSIT ACCOUNT CHARGE OF
PRESCRIBED FEE**353 Sacramento Street, Suite 2200
San Francisco, CA 94111
Telephone: (415) 772-4900**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Nov. 4, 2004.

STALLMAN & POLLOCK LLP

Dated: 11/4/2004 By: 
Georgia K. Stith

Sir:

Applicants respectfully request(s) a refund of the erroneous Deposit Account charge of \$180.00 for 37 CFR 1.17(p) information disclosure fees at the time Applicants filed their Request for Continued Examination (RCE) filed September 7, 2004.

The refund is requested because on September 7, 2004, Applicants filed an RCE and an Information Disclosure Statement (IDS). No IDS fee is required in this situation.

Nonetheless, on September 8, 2004, the USPTO debited Applicants' Deposit Account for \$180.00 for the "Fee Code" 1806 (37 CFR 1.17(p)). Applicants provide herewith a copy of the Monthly Statement of Deposit Account (Exhibit A), dated September 30, 2004. This \$180.00 charge to Applicants' Deposit Account is erroneous. An additional surcharge for filing the Supplemental IDS under 37 CFR 1.17(p) should not have been assessed on Applicants' Deposit Account since the Supplemental IDS was filed concurrently with the RCE on September 7, 2004. Applicants provide herewith copies of the (a) RCE, (b) Supplemental IDS (with PTO-1449),

Atty Docket No.: TWI-6660

(c) canceled check No. 6673, and (d) return receipt postcard for the Examiner's review (Exhibit B).

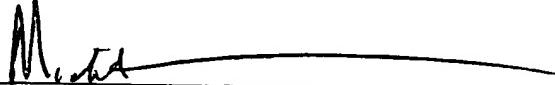
To date, the erroneous Deposit Account charge of \$180.00 has neither been returned by check nor credited to Applicants' Deposit Account No. 50-1703.

Applicants respectfully requests that the erroneous \$180.00 charge to Applicants' Deposit Account be corrected by either providing the below-named attorneys with a check in the amount of \$180.00, or by crediting Deposit Account No. 50-1703 in the amount of \$180.00.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: November 4, 2004

By: 
Michael A. Stallman
Reg. No. 29,444

Attorneys for Applicant(s)

EXHIBIT A



UNITED STATES
PATENT AND
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**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

STALLMAN & POLLOCK LLP
MICHAEL A STALLMAN
353 SACRAMENTO ST
SUITE 2200
SAN FRANCISCO CA 94111

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STALLMAN & POLLOCK LLP

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9	13	04	81	76274897	TWI-14600	7004	150.00	7865.00
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EXHIBIT B

1001 - 06660

Serial/Patent/Reg. No. 10/797,163

S&P File No. TWI-6660

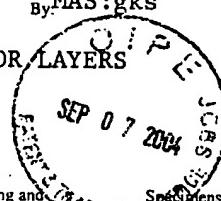
By MAS:gks

In the Matter of the Application of: ✓ Jon Opsal et al.

Title/Mark: SYSTEMS AND METHODS FOR EVALUATING SEMICONDUCTOR LAYERS

Date Mailed: 9/2/2004

Due Date: 11/26/2004



The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- Transmittal Letter
 Patent Application _____
____ pgs. specification including ____ pgs. claims
 Drawings _____ sheets _____ formal _____ informal
 Oath/Declaration
 Assignment w/ Form PTO-1595
 Power of Attorney
 Small Entity Declaration
 Deposit Account Authorization (in duplicate)
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 Check \$ 385.00
 Amendment/Response
 Request for Extension of Time (____ months)(patent)
 Terminal Disclaimer
 Notice of Appeal
 Appeal Brief (in triplicate)
 Letter to Official Draftsman
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 Maintenance Fee Transmittal
 Request for Continued Examination (RCE)
- Trademark (Use) Appln., Drawing and _____ Specimens
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XX Other: postcard

105 Filed

12/02/04 - RCE Filed - 3 months Status

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	10/797,163
<i>Filing Date</i>	March 10, 2004
<i>First Named Inventor</i>	Jon Opsal et al.
<i>Art Unit</i>	2877
<i>Examiner Name</i>	R.M. Punnoose
<i>Attorney Docket Number</i>	TWI-6660

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. Other _____

b. Enclosed

- i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/Declaration(s) iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

- b. Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1703

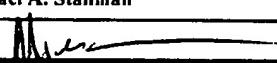
- i. RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other _____

- b. Check in the amount of \$ 385.00 enclosed

- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Michael A. Stallman	Registration No. (Attorney / Agent)	29,444
Signature		Date	September 2, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Georgia K. Stith
Signature	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jon Opsal et al.

Application No.: 10/797,163

Filed: March 10, 2004

For: SYSTEMS AND METHODS FOR
EVALUATING SEMICONDUCTOR
LAYERS

Confirmation No.: 5366

Group Art Unit: 2877

Examiner: R.M. Punnoose

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**353 Sacramento Street, Suite 2200
San Francisco, CA 94111
(415) 772-4900**CERTIFICATE OF MAILING**

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STALLMAN & POLLOCK LLP

Dated: 09/2/2004By: Georgia K. Stith
Georgia K. Stith

M/S RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d) is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is

Atty Docket No.: TWI-6660

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known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.

- (e) is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they are (a) either U.S. Patents and this an application filed after June 30, 2003, or (b) were previously cited by or submitted to the Office in a prior application no. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) not given

- (i) given for each listed item
- (j) given for only non-English language listed item(s) [Required]
- (k) is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

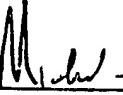
In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

- The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. TWI-6660, for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: September 2, 2004

By: 
Michael A. Stallman Reg. No. 29,444

Attorneys for Applicant(s)

Atty Docket No.: TWI-6660

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INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>		Docket Number (Optional) TWI-6660	Application Number 10/797,163
		Applicant(s) Jon Opsal et al.	
		Filing Date March 10, 2004	Group Art Unit 2877

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AA	WO 83/03303	09/29/1983	PCT	G01N	21/63		
AB	0 432 963 A2	06/19/1991	EPC	G01N	21/17		

OTHER DOCUMENTS
(Including Author, Title, Date, Pertinent Pages, Etc.)

AC	A. Rosencwaig, "Depth Profiling of Integrated Circuits with Thermal Wave Electron Microscopy," <i>Electronic Letters</i> , 20th Nov. 1980, Vol. 16, No. 24, pp. 928-930.
AD	J. Opsal et al., "Thermal and plasma wave depth profiling in silicon," <i>Appl. Phys. Lett.</i> , 1 Sept. 1985, Vol. 47, No. 5, pp. 498-500.
AE	A. Rosencwaig, Chapters 17, 18, and 21 <i>Photoacoustics and Photoacoustic Spectroscopy</i> , 1980, pp. 207-244 (Chaps. 17-18) and 270-284 (Chapt. 21).
AF	X.D. Wu et al., "Photothermal microscope for high-T _c superconductors and charge density waves," <i>Rev. Sci. Instrum.</i> , Nov. 1993, Vol. 64, No. 11, pp. 3321-3327.
AG	J.T. Fanton et al., "High-sensitivity laser probe for photothermal measurements," <i>Appl. Phys. Lett.</i> , 13 July 1987, Vol. 51, No. 2, pp. 66-68.
AH	J.T. Fanton et al., "Low-Temperature Photothermal Measurements of High T _c Superconductors," <i>The Review of Progress in Quantitative Nondestructive Evaluation</i> (Reprint G.L. Report No. 4728 [Aug. 1990]), Presented July 15-20, 1990, 8 pages in length.
AI	B.C. Forget et al., "Electronic diffusivity measurement in silicon by photothermal microscopy," <i>Appl. Phys. Lett.</i> , 19 Aug. 1996, Vol. 69, No. 8, pp. 1107-1109.
AJ	J.T. Fanton et al., "Multiparameter measurements of thin films using beam-profile reflectometry," <i>Journal of Applied Physics</i> , 1 June 1993, Vol. 73, No. 11, pp. 7035-7040.
AK	G. Langer et al., "Thermal conductivity of thin metallic films measured by photothermal profile analysis," <i>Rev. Sci. Instrum.</i> , Vol. 68 (3), March 1997, pp. 1510-1513.
AL	G. Savignat et al., "Non-destructive characterization of refractories by mirage effect and photothermal microscopy," <i>Journal De Physique IV</i> , Colloque C7, supplement au Journal de Physique III, Vol. 3, Nov. 1993, pp. 1267-1272.
AM	M.B. Suddendorf et al., "Noncontacting measurement of opaque thin films using a dual beam thermal wave probe," <i>Appl. Phys. Lett.</i> , Vol. 62 (25), 21 June 1993, pp. 3256-3258.
AN	M. Liu et al., "Response of interferometer based probe systems to photodisplacement in layered media," <i>J. Appl. Phys.</i> , Vol. 76 (1), 1 July 1994, pp. 207-215.
AO	J.F. Bisson et al., "Influence of diffraction on low thermal diffusivity measurements with infrared photothermal microscopy," <i>J. Appl. Phys.</i> , Vol. 83 (2), 15 January 1998, pp. 1036-1042.
AP	E.P. Visser et al., "Measurement of thermal diffusion in thin films using a modulated laser technique: Application to chemical-vapor-deposited diamond films," <i>J. Appl. Phys.</i> , Vol. 71 (7), 1 April 1992, pp. 3238-3248.
AQ	L. Pottier, "Micrometer scale visualization of thermal waves by photoreflectance microscopy," <i>Appl. Phys. Lett.</i> , Vol. 64 (13), 28 March 1994, pp. 1618-1619.
AR	A.M. Mansanares et al., "Photothermal microscopy: Thermal contrast at grain interface in sintered metallic materials," <i>J. Appl. Phys.</i> , Vol. 75 (7), 1 April 1994, pp. 3344-3350.

Examiner	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>		Docket Number (Optional) TWI-6640		Application Number 10/797,163	
		Applicant(s) Jon Opsal et al.			
		Filing Date March 10, 2004		Group Art Unit 2877	

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	AS	A.M. Mansanares et al., "Temperature field determination of InGaAsP/InP lasers by photothermal microscopy: Evidence for weak nonradiative processes at the facets," <i>Appl. Phys. Lett.</i> , Vol. 64 (1), 3 January 1994, pp. 4-6.
	AT	Jian-Chun Cheng et al., "Theoretical studies of pulsed photothermal phenomena in semiconductors," <i>J. Appl. Phys.</i> , Vol. 74, No. 9, 1 November 1993, pp. 5718-5725.

Examiner	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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SAN FRANCISCO, CA 94111

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90-78/1211

6673

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